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IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 13, 1871.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

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Mr. WOODWARD, on leave, introduced the following bill:

**A BILL**

To regulate the drawing and summoning of jurors in the district and circuit courts of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled.*  
3       That the clerks of the several district courts shall, before the  
4       first day of December next, provide, for their respective offices,  
5       jury wheels, in substantial conformity to the description here-  
6       inafter expressed, to be produced in open court or before the  
7       jury board hereinafter provided for, whenever ordered by the  
8       court, but to be carefully kept at all other times in the exclu-  
9       sive custody of the said clerks, but the keys to the locks of  
10      said wheels shall at all times be in the exclusive custody of  
11      the marshals of the several districts.

1       SEC. 2. *And be it further enacted, That the judges of the*

2 circuit and district courts in each district, together with the  
3 marshal of the proper district, shall constitute a jury board, a  
4 majority of whom shall form a quorum, and whose duty it  
5 shall be to convene in the month of December, each year, to  
6 determine, as nearly as may be, the number of jurors who  
7 are likely to be required to serve as grand and petit jurors of  
8 the proper district for the ensuing year ; and thereupon they  
9 shall proceed to select from the taxable citizens of said dis-  
10 trict, who shall be sober, judicious, and intelligent men, a  
11 number of names equal to double the number of jurors agreed  
12 upon and fixed for the year, and they shall cause said names  
13 to be plainly written, with the residence of each juror, upon  
14 separate slips of paper, and place the same in said wheel as  
15 the body of citizens from whom all juries for both circuit and  
16 district courts sitting in that district for the ensuing year shall  
17 be drawn. And any person duly convicted of inserting names  
18 into said wheel, or of abstracting them therefrom, except as  
19 herein provided, shall be adjudged guilty of a misdemeanor,  
20 and punished by fine and imprisonment at the discretion of  
21 the court in which the conviction may take place.

1       SEC. 3. *And be it further enacted,* That the marshal of  
2 each district, upon receiving from the circuit or district court  
3 a writ of venire facias or other legal authority to summon  
4 jurors shall, in the presence of one of the judges of said courts,  
5 and of the clerk of the district court, open said wheel, after

6 at least two revolutions of the wheel upon its axis, and draw  
7 therefrom in succession as many names as he shall be author-  
8 ized to summon, a list of which names shall be taken by the  
9 clerk of the district court, and by him be posted in some con-  
10 spicuous place of his office, and he shall furnish a copy of said  
11 list to the clerk of the circuit court to be in like manner posted  
12 in his office.

1       SEC. 4. *And be it further enacted,* That when the mar-  
2 shal shall have completed the drawing of the requisite number  
3 of jurors, he shall carefully lock the lid of said wheel, and,  
4 keeping the key in his own possession, shall leave the wheel  
5 in the possession of the clerk of the district court, and shall  
6 proceed to summon the jurors whose names have been drawn,  
7 by written notices served personally, or by a copy left at the  
8 residence of each juror, at least       days before the return-  
9 day of his writ, and any of said jurors who, having been duly  
10 served with said notice, shall neglect to appear, and unless  
11 excused by the court to serve as a juror, shall be liable to a  
12 fine as for contempt of court.

1       SEC. 5. *And be it further enacted,* That in case the panel  
2 of jurors in attendance upon any of said courts shall be ex-  
3 hausted by reason of challenges, so that the court is obliged  
4 to order talesmen to be summoned, the marshal, instead of  
5 summoning bystanders, shall cause said wheel to be brought  
6 into court, and in open court shall draw therefrom five names

7 for each talesman that is wanted, of which names the clerk  
8 shall preserve a list, and the marshal may bring in any one of  
9 the five men to serve as the talesman. And the name of no  
10 jurymen who has been summoned, and who has served one  
11 full term of court, shall be replaced in said wheel for a period  
12 of three years; and no jurymen shall be summoned or per-  
13 mitted to serve in any of said courts whose name has not been  
14 duly drawn from said wheel, but the names of all jurors who  
15 have been drawn and served, but have not attended, shall be re-  
16 placed in said wheel.

1       SEC. 6. *And be it further enacted,* That the jury wheel  
2 shall be a hollow wheel, made of tin or copper, with an aper-  
3 ture in the periphery large enough to admit a man's hand to  
4 draw out slips, one at a time; and said aperture shall be  
5 covered by a closely-fitting lid, with hinges at one end  
6 thereof and a lock at the other. The wheel shall be sup-  
7 ported by axis pins resting on two upright posts, in such man-  
8 ner as to admit of easy revolutions of the wheel, in order that  
9 the slips of paper containing the names of jurors may be the  
10 more effectually mixed.

1       SEC. 7. *And be it further enacted,* That all the necessary  
2 expenses for putting this act in execution shall be paid by the  
3 United States, and all acts and parts of acts of Congress that  
4 are inconsistent herewith are hereby repealed.